(No. 8)

Mr. ASGILL's

APOLOGY

FOR AN

OMISSION

IN HIS

LATE PUBLICATION.

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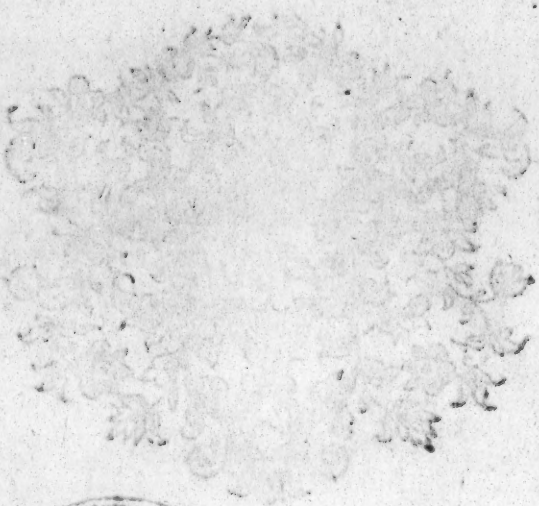

THE APOLOGY.

WITHOUT Offence to the Law, I hope I may tell a piece of an old Story of a Welsh *Judg. Who being to condemn a Prisoner, convict of a Capital Crime, gave this Sentence upon him:*

Look you! you Prisoner at the Bar!
Your Country have found you guilty.
And the Sentence of the Law is,
That you go from hence to the place from whence you came,
And from thence to the place of Execution:
And so I wish Mercy to your Soul.

Upon which the Goaler was carrying away the Prisoner.

But a Justice of Peace next the Judg, whisper'd him;

Your Lordship hath omitted a material part of the Sentence:

That when he comes to the place of Execution, he is to be hang'd.

And, well remember'd! *ſaid the Judg.*

And on that calls out,

Hark ye, you Goaler! bring that Fellow back again:

Then ſaid, Look you, Friend! you muſt be hang'd too.

Now ſince my late Publication, I have met with this Reproof, from ſome of my Readers:

'Tis true, you have added to your Poſtſcript the ſpecial Oath of Abjuration, as a Memorandum againſt Perjury;

But you have omitted a material Act of Parliament, that makes the ſame Offence High Treaſon too.

And well remember'd (ſaid I).

And tho I can't recal my Publication,

I'll ſend this Three-penny Meſſenger after it.

Hark ye, you honeſt Men! that intend to forſwear your ſelves,

I am no Judg, nor have any Commiſſion to pronounce Sentence;

But if you'l conſult your Alphabet, you'l find,

That Treaſon *and the* Triangle *near* Paddington, *both begin with the ſame Letter.*

You know what I mean: A Word to the Wiſe!

And (whether you or any one elſe believe me or no) I did not omit this Intelligence out of my late

late Publication, with any Intention to find an Occasion for this Apology.

But finding by other of my Readers, that the Oath I did subjoin to that Publication, was a Novelty to them;

I do not know but several things in the Sequel may be so too.

And tho all her Majesty's Subjects are not equal to one another in their own distinct Qualities and Estates;

Yet they being all equally subject to her Majesty and the Laws,

It seems reasonable that all should be equally inform'd what those Laws are.

And Laws bound up together in large Volumes being not every one's reading,

A more brief Communication of them seems no Prejudice to the Publick:

And this I make my Apology for the Sequel.

An

An EXTRACT *of ſeveral Acts of Parliament relating to the Settlement of the Crown, the Rights and Liberties of the Subject, and the Security of the Proteſtant Religion, as by Law eſtabliſhed.*

1 W. & M. Seſſio. 2. cap. 2. *An Act for Declaring the Rights and Liberties of the Subjects, and Settling the Succeſſion of the Crown.*

THE Lords and Commons in Parliament having firſt claim'd, demanded, and inſiſted upon (as the undoubted Rights and Liberties of the Subjects of *England*) ſeveral Articles, therein mention'd to have been violated by the late King *James*, by the Aſſiſtance of divers

divers evil Counſellors, *&c.* in order to ſubvert and extirpate the Proteſtant Religion, and the Laws and Liberties of the Kingdom:

The Crown is ſettled upon their then Majeſties King *William* and Queen *Mary*, and the Survivor of them.

Remainder to the Heirs of the Body of Queen *Mary*.

Remainder to her preſent Majeſty (then Princeſs of *Denmark*) and the Heirs of her Body.

Remainder to the Heirs of the Body of King *William*.

Excluding all Papiſts, or marrying Papiſts: And in ſuch caſe the Crown to deſcend to the next Proteſtant in the Settlement.

An Act for the frequent Meeting and Sitting of Parliaments. 6 W. & M. cap. 2.

THAT a Parliament ſhall be holden once in three Years at the leaſt.

And none to continue longer than three Years, to be accounted from the Day on which (by the Writ of Summons) the Parliament is to meet.

After

After the Death of Queen *Mary*, and of Prince *William* late Duke of *Glouceſter*:

12 & 13 W. 3. Seſ. 1. c. 2. *An Act for the further Limitation of the Crown*, &c.

THE Crown (after the Deceaſe of his then Majeſty King *William*, and of her preſent Majeſty, and in default of Iſſue of her Majeſty and of the ſaid King *William*) is ſettled upon the Princeſs *Sophia*, Electreſs and Dutcheſs Dowager of *Hanover* (Daughter of Princeſs *Elizabeth*, late Queen of *Bohemia*, who was Daughter of King *James* the Firſt) and the Heirs of her Body being Proteſtants.

Provided, That each in that Succeſſion ſhall join in Communion with the Church of *England* as by Law eſtabliſh'd.

And if not a Native of *England*, this Nation not to be oblig'd to engage in any War, for Defence of any Dominions not belonging to the Crown of *England*, (without Conſent of Parliament.)

And that none but Natives (except born of *Engliſh* Parents) ſhall then be

Of the Privy-Council,

Or Members of either Houſe,

Or enjoy any Office or Place of Truſt Civil or Military,

Or

Or have any Grant of Lands or Hereditaments from the Crown.

And Judges Commiſſions to be *Quamdiu ſe bene geſſerint.*

And no Pardon under the Great Seal pleadable to an Impeachment by Commons in Parliament.

An Act for the Attainder of the Pretended Prince of Wales *of High Treaſon.* 13 & 14 W. 3. c. 3.

WHEREAS the Pretended Prince of *Wales* hath, ſince the Deceaſe of the late King *James*, by the Incitation and Encouragement of the *French* King (being bred up and inſtructed to introduce the *Romiſh* Superſtition and *French* Government into theſe your Majeſty's Kingdoms) openly and traitorouſly, with deſign to dethrone your Majeſty, aſſumed the Name and Title of *James* the Third, King of *England*, *Scotland*, and *Ireland*, and caus'd himſelf to be ſo proclaim'd in the Kingdom of *France*, in manifeſt Violation of your Majeſty's moſt Lawful and Rightful Title to the Crown of theſe Realms, and of the ſeveral Acts of Parliament made, as well for Recognizing of the ſame, as for Settling the Succeſſion of the Crown, contrary to the Duty of his Allegiance, and to the diſturbing of the Peace of theſe your Majeſty's Kingdoms: To the end

 therefore

therefore that your Majeſty's good and loyal People of *England* aſſembled in Parliament may, in the moſt ſolemn manner, expreſs their utmoſt Reſentment of ſo great an Indignity done to your Majeſty's moſt Sacred Perſon and Government; and that the ſaid Traitor may be brought the more certainly and ſpeedily to condign Puniſhment: May it pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid pretended Prince of *Wales* ſtand and be convicted and attainted of High Treaſon, and that he ſuffer Pains of Death, and incur all Forfeitures as a Traitor convicted and attainted of High Treaſon.

II. And for preventing traitorous Correſpondence between your Majeſty's Subjects, and the ſaid pretended Prince of *Wales*, or his Adherents, be it further enacted by the Authority aforeſaid, That if any of the Subjects of the Crown of *England*, from and after the firſt Day of *March*, one thouſand ſeven hundred and one, ſhall, within this Realm or without, hold, entertain, or keep any Intelligence or Correſpondence in Perſon, or by Letters, Meſſages, or otherwiſe, with the ſaid pretended Prince of *Wales*, or with any Perſon or Perſons employ'd by him, knowing

knowing ſuch Perſon to be ſo employ'd; or ſhall by Bill of Exchange, or otherwiſe, remit or pay any Sum or Sums of Mony for the Uſe or Service of the ſaid pretended Prince of *Wales*, knowing ſuch Mony to be for ſuch Uſe or Service; ſuch Perſon ſo offending, being lawfully convicted, ſhall be taken, deem'd, and adjudg'd to be guilty of High Treaſon, and ſhall ſuffer and forfeit as in Caſes of High Treaſon.

III. And be it further enacted, That where any of the Offences againſt this Act ſhall be committed out of this Realm, the ſame may be alledg'd and laid, enquir'd of, and try'd, in any County of this Kingdom of *England*.

An Act for further Security of his Majeſty's Perſon and the Succeſſion of the Crown, &c. 13 & 14 W. 3. c. 6.

ENacts the Oath of Abjuration; and to maintain the Crown according to the two Acts of Settlement, &c. makes it High Treaſon to endeavour to deprive her preſent Majeſty (then Princeſs of *Denmark*) from her then Succeſſion to the Crown.

1 Anne, cap. 22. *in the Seſſion continu'd from the King's Death.*

An Act to declare the Alteration in the Oath of Abjuration, &c.

WHEREBY the Form of that Oath is alter'd, by inſerting her Majeſty inſtead of his late Majeſty; *viz.*

I *A.B.* do truly and ſincerely acknowledg, profeſs, teſtify, and declare in my Conſcience, before God and the World, That our Sovereign Lady Queen *ANNE* is Lawful and Rightful Queen of this Realm, and of all other her Majeſty's Dominions and Countries thereunto belonging. And I do ſolemnly and ſincerely declare, That I do believe in my Conſcience, that the Perſon pretended to be Prince of *Wales*, during the Life of the late King *James*, and ſince his Deceaſe pretending to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuſe and abjure any Allegiance or Obedience to him. And I do ſwear, That I will bear Faith and true Allegiance to her Majeſty Queen *ANNE*, and Her will defend to the utmoſt of my power, againſt all traitorous Conſpiracies and Attempts whatſoever,

ſoever, which ſhall be made againſt her Perſon, Crown, or Dignity. And I will do my beſt Endeavour to diſcloſe and make known to her Majeſty, and her Succeſſors, all Treaſons and Traitorous Conſpiracies, which I ſhall know to be againſt Her, or any of them. And I do faithfully promiſe, to the utmoſt of my power, to ſupport, maintain, and defend the Limitation and Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is and ſtands limited by an Act, intitled, *An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown*, to her preſent Majeſty, and the Heirs of her Body, being Proteſtants: And as the ſame, by one other Act, intitled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject*, is and ſtands limited after the Deceaſe of her Majeſty, and for Default of Iſſue of her Majeſty, to the Princeſs *Sophia*, Electreſs and Dutcheſs Dowager of *Hannover*, and the Heirs of her Body being Proteſtants. And all theſe things I do plainly and ſincerely acknowledg and ſwear, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and Underſtanding of the ſame Words, without any Equivocation, mental Evaſion, or ſecret Reſervation whatſoever. And I do make this Recognition, Acknowledgment,

ledgment, Abjuration, Renunciation, and Promiſe, heartily, willingly, and truly, upon the true Faith of a Chriſtian.

So help me God.

This is the Oath added to the Poſtſcript to the Defence, *but is here inſerted again in its proper place.*

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1 Anne, cap. 17. *The firſt Parliament ſummon'd by her Majeſty.*

An Act for enlarging the Time for taking the Oaths, &c.

Sect. 3. 'TIS made High Treaſon, by any Overt Act, to attempt to deprive or hinder the next in Succeſſion to the Crown, according to the two Acts of Settlement.

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4 Anne, cap. 4.

An Act naturalizing the Princeſs Sophia *and the Iſſue of her Body,* Excluſive of Papiſts.

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4 Anne, cap. 8.

An Act for the better Security of her Majeſty's Perſon and Government, and of the Succeſſion to the Crown in the Proteſtant Line.

'TIS made High Treaſon to affirm by Writing or Print, That her Majeſty is not Rightful Queen; or that the pretended Prince

Prince of *Wales*, or any other Perſon, have Right, other than according to the two Acts of Settlement.

And Premunire to affirm the ſame, by Preaching, Teaching, or adviſedly Speaking.

And in caſe of her Majeſty's Demiſe,
The Parliament then in being,
The Privy-Council,
Lord Chancellor or Keeper,
Lord Treaſurer,
Lord Preſident of the Council,
Lord Privy-Seal,
Lord High Admiaal,
And all Great Officers of the Queen's Houſhold,
And all Officers Civil and Military,

Are to continue ſix Months, unleſs ſooner alter'd by the Succeſſor.

And the Privy-Council with all convenient ſpeed to proclaim the next Proteſtant Succeſſor (according to the ſaid Acts of Settlement) on pain of High Treaſon.

And all Officers refuſing their Commands therein made guilty of High Treaſon.

And if ſuch next Succeſſor be then out of the Realm,

1. The ArchBp of *Canterbury*,
2. Lord Chancellor or Keeper,
3. Lord Treaſurer,
4. Lord Preſident of the Council,
5. Lord Privy-Seal,
6. Lord High Admiral,

} for the time being,

And

And 7. Lord Chief Juſtice of the Queen's-Bench for the time being,

Shall be Lords Juſtices in the name of the Succeſſor, to execute all Acts of Government.

And that the next Succeſſor (at any time during her preſent Majeſty's Life) by three Inſtruments under Hand and Seal, may appoint other Perſons (being natural-born Subjects of *England*) to be added to the other ſeven Lords Juſtices, of which the Majority (not leſs than five) may act.

Of which three Inſtruments,

The Succeſſor's Reſident ſhall have one.

The Archbiſhop of *Canterbury* one.

Lord Chancellor or Keeper one.

And in caſe of her Majeſty's Death without Iſſue,

To be open'd in Privy-Council.

If no ſuch Nomination, then the other ſeven Lords Juſtices to act:

But not to diſſolve the Parliament without direction of the Succeſſor:

Nor to aſſent to any Bill for altering the Act 13 & 14 *Car.* 2. for Uniformity of Common-Prayer, *&c.* on pain of High Treaſon.

A Previous Act to the Act of Union, for Securing the Church of England *as by Law eſtabliſhed.* 5 Anne, cap. 5.

ENacts, That the Act 13 *Eliz.* for the Miniſters of the Church to be of ſound Religion;

And the Act 13 *Car.* 2. for Uniformity of Common-Prayer, *&c.* (other than the Clauſes repealed)

Shall remain in full force:

And that this Act ſhall be a fundamental part of the Union, and be expreſs'd in the Act of Union.

The Act of Union. 5 Anne, cap. 8.

ENacts, according to the ſecond Article, That the Succeſſion to the Monarchy of the United Kingdom of *Great Britain*,

(After her Majeſty, and in default of her Royal Iſſue)

Be and remain to the Princeſs *Sophia*, and the Heirs of her Body being Proteſtants:

Excluſive of Papiſts, or Perſons marrying Papiſts, according to the former Acts of Settlement of the Crown of *England*.

And confirms *(in hæc verba)* the previous Act for ſecuring the Church of *England*.

With a previous Act *(in hæc verba)* for ſecuring the Proteſtant Religion and Presbyterian Church-Government in *Scotland.*

And according to the 25th Article, all Laws or Statutes in either Kingdom, inconſiſtent with the Articles of Union, are declar'd void.

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6 Anne, cap. 7. *An Act for Security of her Majeſty's Perſon and Government, and the Succeſſion of the Crown of* Great Britain *in the Proteſtant Line.*

ENacts the ſame Clauſes of Treaſon and Premunire, and the ſame Oath of Abjuration, in relation to the United Crown of *Great Britain*, as is before (4 *Anne)* for the Crown of *England.*

And that the Act *6 W.* & *M.* for frequent Parliaments in *England*, ſhall extend to *Great Britain.*

And that any Nomination of additional Lords Juſtices, already made by the next Succeſſor, ſhall hold good for *Great Britain.*

An Act for better Security of her Majesty's Person and Government, &c. 6 Anne, cap. 14.

ENacts the taking the Oath of Abjuration by Officers in *Scotland*, as was before in *England*.

And two Justices there may summon any Person, and tender the Oath:

And Refusers adjudg'd Popish Recusants convict.

Act for further Provision for the Election of the sixteen Peers in Scotland. 6 Anne, cap. 23.

ALL the Peers (Electors) are to take the Oaths of Allegiance and Supremacy,

And subscribe the Declaration,

And take the Abjuration-Oath.

And no Person at any Election for Members of the House of Commons for *England*, or *Scotland*, refusing to take the Abjuration-Oath (which may be tender'd by the Sheriff or chief Person taking the Poll) to be admitted to vote. Sect. 13.

NOW tho I *understand that some People are pleas'd to be so very angry with my late Publication, as to wish me dead for it, (more ways than one;)*

Yet I am not so angry with them.

For that (in truth) it is those Laws themselves (which I have here extracted) that these angry Men wish dead, (tho not exclusive of me, as I verily believe them.)

Here's a fine Bundle of Revolution-Craft *indeed! (say they.)*

Not so much as a Chance or a Loop-hole left for a Popish Succession *to shew his Parts here, (tho he should be of the Right Line;)*

Or tho we should ever so much long for him;

And should be so big with Expectations of him, that we should miscarry for want of him.

But (Thanks to our Stars) these Laws (for all these Men) are alive and in good health:

I saw 'em all but yesterday.

And that my single Evidence may not be taken,

I send

I ſend out this ſecond Appearance of them, to all to whom theſe Preſents ſhall come.

And tho I have heard old People tell Stories of ſecond Apparitions that uſe to fright Folks,

Don't be afraid of 'em, Readers:

Thoſe Laws will bite no body but thoſe that play naughty Tricks, in telling Lyes and forſwearing themſelves.

And even for thoſe Malecontents that don't like 'em, they have a proper Remedy againſt them, (if they pleaſe to take it:)

For which I can quote them a Caſe in point.

A very fat Gentleman (who was adviſ'd by his Phyſicians that his Health depended much upon Sleep) lodging near a Watch-houſe, from whence he was frequently diſturb'd with nocturnal Commotions *(anglice* Noiſes in the Night, *for I intend this Three-penny Cut for the common People) gave a Lawyer three Guineas for his Advice;*

Whether he could not oblige the Conſtable to remove his Watch.

The Lawyer told him, That was a Point not yet ſettled in the Law-Books:

But this the Lawyer was clear in,

That his Client might move his Lodging.

Now 'tis very probable, that theſe Acts of Parliament for ſettling and ſecuring the Crown in the Proteſtant Line of the Royal Family, may diſturb ſome Perſons, who are adviſ'd by their own Conſciences, that their chief Dependencies are upon a Popiſh Succeſſor.

But

But what of all that?

Muſt the Laws and Rights of the Crown, and the Security of the Proteſtant Religion, and the Subjects under it, be ſacrific'd to the Humours of a few Men, who would have it ſo?

And ſo (forſooth) becauſe ſome People of our Pariſh don't care to eat Fleſh in Lent, *all the reſt of their Neighbours muſt, in compliment to them, throw their Beef and Mutton to the Dogs:*

And becauſe there are ſome infected Invalids in an Army, all the reſt muſt quit the Camp.

No! no! there's a ſhorter Cut for a Cure than this!

They that are diſcontented with the Laws of their Country, may depart in contempt of the Courts that made 'em:

There's room enough upon the Continent.

And the ſame contrary Winds that hinder them from bringing their Mahomet *hither, will waft them over to him.*

And ſo theſe infected angry Men may embark for Removal of their Lodgings as ſoon as they pleaſe.

And for thoſe that are in health and good-humour, 'tis better for them to be jogged out of their Sleep now and then with a little Noiſe, than to be caught napping in a Lethargy.

But methinks they begin to trim a little, to compound their Projection.

Do but try our Man (ſay they) upon an Eſſay;

See for Love, and buy for Mony.

Not altogether unlike a Fellow about Town ſome Years ago, that pretended to teach all Wind-Muſick upon a Tobacco-Pipe, for two Guineas a-piece: And if any of his Scholars did not like the Trick when they ſaw it, they ſhould have one of their Guineas again.

But for my own part, I have but little Mony, and can't ſpare half of it, to ſee a Trick that I know already.

And they that are fond of that Speculation, may (for Sixpence) ſee The Character of a Popiſh Succeſſor, *lately publiſh'd, without being at the expence of trying the Experiment.*

But I ſhall raiſe more Choler by this way *of Writing.*

For Writing and Reading are in themſelves commendable things.

But 'tis the way *of Writing at which the Offence is taken.*

And this is the Misfortune of an Author,

That unleſs ſome are angry with him, none are pleas'd.

Which puts him under this Dilemma,

That he muſt either ruin himſelf, or his Printer.

But to prevent either (as far as I can) I would rather turn Trimmer, and compound too.

And to end all Quarrels with my Readers, (if they pleaſe to accept the Propoſal)

(*And*

(And to ſhew withal that I am no Dogmatical Author)

I now ſay to them all (in Print) what I once did to one of them (by Word of Mouth,)

Whoever meets with any thing in what I publiſh, which they don't like,

Let 'em ſtrike it out.

But to take off part of the Odium *from me,*
They ſay others write like me,
In ſhort Paragraphs:
(An eaſy part of a Mimick)
But with all my heart!
I don't care who writes like me,
So I don't write like them.